

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RICK DAVIS, SR., MATHEW KOOHNS,  
and BRETT A. LOCKHART, SR.,  
individually and on behalf of all others  
similarly shared,

Plaintiffs,

v.

UNITED HEALTH GROUP  
INCORPORATED,  
UNITEDHEALTHCARE INSURANCE  
COMPANY, UNITEDHEALTHCARE OF  
WASHINGTON, INC., and UNITED  
HEALTHCARE SERVICES, INC.,

Defendants.

Case No. C21-01220-RSM

ORDER RE SUBMISSION  
CONCERNING CASE SCHEDULE

This matter comes before the Court on the parties' Submission Concerning Case Schedule. Dkt. #39. On April 14, 2023, the Court issued its decision denying Defendants' Motion to Dismiss. Dkt. #35. Since then, the parties have met and conferred to discuss discovery and the case schedule. Dkt. #39 at 1. The parties now submit their respective proposals for a case schedule. *Id.*

The parties generally agree about a proposed schedule through class certification, but diverge thereafter. Plaintiffs seek entry of a scheduling order that tracks to and locks in the March

1 2025 trial date provided to the parties by the Court. *Id.* at 1–2. Plaintiffs believe that basing the  
2 schedule on a fixed trial date will encourage the parties to litigate efficiently and cause the case  
3 to proceed to trial more quickly. Defendants propose a schedule under which, after the Court  
4 issues a decision on any class certification motion, the parties would confer to develop a schedule  
5 for the next phase(s) of the case. *Id.* at 2. Defendants propose deferring setting a trial date until  
6 after the Court issues its rulings on dispositive motions, or in the alternative that any trial occur  
7 at least three months after any decision on dispositive motions (or as soon thereafter as the Court  
8 is available).

9  
10 “A stay is not a matter of right. It is instead an exercise of judicial discretion that is  
11 dependent upon the circumstances of the particular case.” *Lair v. Bullock*, 697 F.3d 1200, 1203  
12 (9th Cir. 2012) (cleaned up). In considering a request for a stay, factors weighed by the Court  
13 may include ““the possible damage which may result from the granting of a stay, the hardship or  
14 inequity which a party may suffer in being required to go forward, and the orderly course of  
15 justice measured in terms of the simplifying or complicating of issues, proof, and questions of  
16 law which could be expected to result from a stay.”” *Lockyer v. Mirant Corp.*, 398 F.3d 1098,  
17 1110 (9th Cir. 2005) (quoting *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962)). The  
18 moving party bears the burden to show a stay is appropriate. *Clinton v. Jones*, 520 U.S. 681, 708  
19 (1997).

20  
21 Here, Defendants argue the Court should stay discovery and other pretrial deadlines  
22 pending the resolution of any class certification motion because “it is premature to set a trial date  
23 before the Court has ruled on class certification or dispositive motions, which could have a  
24 significant impact on the scope of any trial in this case.” Dkt. #39 at 2. While Defendants may  
25 prefer a particular order of resolution, they do not demonstrate that the orderly course of justice  
26  
27  
28

would be better served through imposition of a stay. Defendants fail to establish a stay in this matter would be appropriate or warranted at this time. The Court therefore ORDERS the following case schedule, keeping the current expected trial date:

12/15/2023	Substantial completion of fact discovery
1/12/2024	Disclosure of Plaintiffs' class certification expert name(s)/CV(s)/brief description of the subject matter of the expected testimony.
1/26/2024	Class certification motion and service of Plaintiffs' class-certification expert report (if any)
2/23/2024	Disclosure of Defendants' class certification expert name(s)/CV(s)/brief description of the subject matter of the expected testimony.
3/08/2024	Opposition to class certification and service of Defendants' class-certification expert report (if any)
4/5/2024	Reply to class certification and service of rebuttal class-certification expert report (if any)
7/5/2024	Substantial completion of any supplemental fact discovery
7/26/2024	Plaintiffs' merits expert reports due

8/23/2024	Defendants' merits expert reports due
9/20/2024	Close of expert discovery
10/18/2024	Close of all discovery; dispositive motion(s) filed
11/22/2024	Opposition(s) to dispositive motion(s)
12/13/2024	Reply in support of dispositive motion(s)
1/17/2025	Plaintiffs' pretrial statement
1/27/2025	Defendants' pretrial statement
2/20/2025	Proposed pretrial order
3/25/2025	Trial begins (est. 10 trial days)

DATED this 12<sup>th</sup> day of July, 2023.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE